

ORDINANCE NO. 527

AN ORDINANCE RELATING TO prohibited animals and fowl;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHAPPELL, NEBRASKA:

Section 95.02. A new Section (C) is added to the Municipal Code of Chappell, Nebraska, as follows:

**§ 95.02 (C) CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS**

- A. It shall be unlawful for any person to permit or allow any chicken to run or fly at large within the corporate limits of the City.
- B. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.
- C. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any chicken without a valid permit issued by the City. The fee for such permit shall be established by the City. No permit shall be assignable or transferable either as to permittee, location, or chickens.
- D. The requirements for the issuance of a permit by the City to own, keep, harbor, or have custody or control over a chicken are:
  1. No more than five (5) chickens shall be permitted per property owner.
  2. The chickens must be housed in a chicken facility and run approved by the City, such chicken facility and run to be maintained in compliance with all of the City's requirements as a condition of the permit. The requirements for the chicken facility and run include:
    - a. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
    - b. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
    - c. The chicken facility and run shall prevent chickens from roaming at large;
    - d. The run shall be constructed to include metal wire fencing anchored to the ground and a fully-enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the public;
    - e. The chicken facility shall be constructed of a durable material and the flooring of any chicken facility shall be of a waterproof hard-surfaced non-porous material;
    - f. The chicken facility shall provide not less than three (3) square feet per occupant chicken, and the run shall provide not more than eight (8) square feet per occupant chicken;
    - g. The chicken facility shall not exceed an overall height of eight (8) feet and overall size of thirty-two (32) square feet.

- h. The chicken facility and run shall be located so as to be at least thirty (30) feet from any dwelling, front yard or side yard, street, public sidewalk, public building, park or recreations area; and
    - i. The chicken facility and run shall comply with all applicable city building and zoning codes and must be consistent with the requirements of any and use regulation.
  - 3. Offal, manure, and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety.
  - 4. All grain, feed, and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
  - 5. The permit application shall be accompanied by adequate evidence, as determined by the City, that the applicant has notified all abutting property owners and residents of the property lines of the property on which the chickens will be located, of the application. The City may consider resident objections in deciding whether to issue a permit under this section.
- E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited.

Penalty, see § 10.99

**Statutory reference:**

Authority, see Neb. RS 17-547

Passed and approved this 1<sup>st</sup> day of May, 2017.

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Steve Brott, Mayor

ATTEST:

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Ashlea Jepsen  
City Administrator/Clerk